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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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04/03/2001

Hiroyasu Kurashina

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26021

7590

10/31/2006

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EXAMINER

MILIA, MARK R

ART UNIT

PAPER NUMBER

2625

DATE MAILED: 10/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/826,408

Applicant(s)

KURASHINA, HIROYASU

Examiner

Mark R. Milia

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 11-16, 18-26, 41 and 42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11-16, 18-26, 41 and 42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's amendment was received on 8/11/06 and has been entered and made of record. Currently, claims 11-16, 18-26, and 41-42 are pending.

### ***Response to Arguments***

2. Applicant's arguments filed 8/11/06 have been fully considered but they are not persuasive.
3. The applicant asserts, on pages 9-10 of the remarks, that the reference of Parulski (US 5241659) is different from the current invention because the stored digitized image is not "for use" imprinting, but for use to be printed. Parulski discloses two storage mediums, a first storage medium for the image data itself and a second storage medium for the customized image parameter data. It is the latter which is the focus as this storage medium can be moved from one playback device to another to aid in the printing of the image data located on the first storage medium. The applicant also asserts that the combination of Parulski and Furuya (JP 09039347) is improper because there is no motivation to combine the references as there is neither a need for or an advantage of combining the two references and the attempted combination is based on improper hindsight because it appears to be done only for the purpose of rejecting the

current application. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). Further, both Parulski and Furuya deal with printing and devices that store information that aid in the printing process. Particularly, the digital data storage medium of Parulski stores customized image parameter data that aids in the printing of image data and the tape cartridge of Furuya stores data associated with attributes of the tape cartridge that aids in the printing of printing tape/labels.

Therefore, the rejection of claims 11-16, 18-26, and 41-42, as cited in the previous Office Action, is maintained and repeated in this Office Action.

***Claim Rejections - 35 USC § 103***

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Furuya (JP 09039347) in view of U.S. Patent No. 5241659 to Parulski.

Regarding claim 11, Furuya discloses a tape printing apparatus comprising: tape cartridge-mounting means for mounting a tape cartridge labeled with a detection label formed by cutting off a first tape printed with a to-be-detected image representative of desired configuration information for use in printing (see paragraphs [0009], [0031]-[0035], [0043], and [0047], and Drawings 1 and 2), detection means detecting said to-be-detected image which is printed on said detection label labeled on said tape cartridge (see paragraph [0035] lines 12-15), and an image-printing means for printing an image on a second tape based on said desired configuration information represented by said to-be-detected image (see paragraphs [0035] lines 5-6, [0037]-[0038], reference teaches the printing of a character string corresponding to the specification information placed on the cartridge in the form of a barcode or the like).

Furuya does not disclose expressly inputting desired configuration information which is other than information related to physical properties of the first tape cartridge and which is of designation of at least one of a typeface, a decoration, and a color.

Parulski discloses inputting desired configuration information which is other than information related to physical properties and which is of designation of at least one of a typeface, a decoration, and a color (see abstract, column 3 lines 13-33 and 42-58, column 6 lines 22-32 and 45-58, and column 11 lines 15-33, reference shows that due to the inability to record extra information on a write-once optical disc, a removable memory is used to store image parameter data, analogous to desired configuration information, and the memory module can be inserted into any playback device and control the operation of the images being displayed and/or printed).

Furuya & Parulski are combinable because they are from the same problem solving area, storing and transferring customized information from any device to any another device of the same type.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the storing of desired input information, such as image parameter information, as described by Parulski, and which is well known and used in the art, with the system of Furuya.

The suggestion/motivation for doing so would have been to provide a means to transport customized information capable of controlling the operation of any device of the same type while only having one module to carry both the customized information and the main data information. Parulski suggests that both the main data information and the customized information would be carried together if the customized information could be appended to the main data information located on the optical disc (see column 8 lines 15-25).

Therefore, it would have been obvious to combine Parulski with Furuya to obtain the invention as specified in claim 11.

Regarding claim 12, Furuya further discloses including character string input means for inputting a character string having at least one character arranged therein (see paragraph [0035] lines 1-6), wherein said desired configuration information represented by said to-be-detected information includes information concerning printing of the input character string (see paragraph [0035]), and wherein said image printing

means prints said print images based on the input character string according to said desired configuration information (see paragraph [0035], reference shows after character string has been input the tape cartridge undergoes detection of specification information that will ultimately decide the manner in which the character string will be printed).

Regarding claim 13, Furuya further discloses wherein said print image is an image identical to said to-be-detected image (see paragraph [0047], reference shows that the image printed can be a barcode or the like and adhered to the tape cartridge which stores specification information used for printing).

6. Claims 14-19 and 21-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Furuya (JP 09039347) in view of Parulski (US 5241659) and Zinsmeyer (US 5383733).

Regarding claim 14, Furuya discloses a label-producing method comprising the steps of: mounting a first tape cartridge accommodating a first tape in a first tape printing apparatus (see paragraphs [0009], [0031]-[0035], and Drawings 1 and 2), inputting desired configuration information to said tape printing apparatus (see paragraph [0035] lines 1-15 and [0043] lines 4-10), and printing a to-be-detected image representative said desired configuration information on said first tape by using said first tape printing apparatus such that said to-be-detected image can be detected by predetermined detection means (see paragraphs [0038] lines 5-8, [0034], [0043], [0047], and Drawing 1), producing a detection label by cutting off a portion including

said to-be-detected image from said first tape (paragraphs [0035] lines 6-7, [0047], and Drawing 1).

Furuya does not disclose expressly inputting desired configuration information which is other than information related to physical properties of the first tape cartridge and which is of designation of at least one of a typeface, a decoration, and a color, labeling said detection label on a second tape cartridge accommodating printing apparatus including said predetermined detection means; on said detection label labeled on said second tape cartridge, by said predetermined detection means of said second tape printing apparatus, printing a print image on said second tape dispensed from said second tape cartridge based on said desired configuration information represented by said and including said print image from said second tape (it is obvious that Furuya can print out a plurality of detection labels that can be attached to a plurality of tape cartridges, which can be mounted in a plurality of tape or label printers, and used to print labels).

Parulski discloses inputting desired configuration information which is other than information related to physical properties and which is of designation of at least one of a typeface, a decoration, and a color, for use in printing (see abstract, column 3 lines 13-33 and 42-58, column 6 lines 22-32 and 45-58, column 8 lines 6-25 and 34-46, and column 11 lines 15-33, reference shows that due to the inability to record extra information on a write-once optical disc, a removable memory is used to store image parameter data, analogous to desired configuration information, and the memory



module can be inserted into any playback device and control the operation of the images being displayed and/or printed).

Zinsmeyer discloses a rotatable turret capable of holding a plurality of tape cassettes imprinted or affixed with barcodes identifying the ribbon type, color, and the like, switching the cassettes as needed to correctly print the desired image or character string, and a barcode reader for selecting the correct cassette to accurately print the desired image of character string (see column 17 line 36-column 18 line 16).

Furuya, Parulski & Zinsmeyer are combinable because they are from the same problem solving area, storing and transferring customized information from any device to any another device of the same type.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the storing of desired input information, such as image parameter information, as described by Parulski, and which is well known and used in the art, and the plurality of tape cassettes aspect of Zinsmeyer, with system of Furuya.

The suggestion/motivation for doing so would have been to provide a means to transport customized information capable of controlling the operation of any device of the same type while only having one module to carry both the customized information and the main data information. Parulski suggests that both the main data information and the customized information would be carried together if the customized information could be appended to the main data information located on the optical disc (see column 8 lines 15-25). Also, to provide multiple tape printing apparatuses and a plurality of tape cassettes that would be interchangeable to provide ease of use with less burden on the

user and creating more compatibility between apparatuses which serve the same purpose of printing out labels based on specific configuration information.

Therefore, it would have been obvious to combine Zinsmeyer and Parulski with Furuya to obtain the invention as specified in claim 14.

Regarding claim 15, Parulski discloses removing the memory module from one playback device and inserting the memory module into another playback device (see abstract, column 6 lines 45-58, and column 11 lines 23-33).

Furuya, Parulski, and Zinsmeyer do not disclose expressly wherein said first tape printing apparatus and said second tape printing apparatus are an identical tape printing apparatus.

However, at the time of the invention, it would have been obvious to a person of ordinary skill in the art that there would exist a plurality of identical tape printing apparatuses to provide interchangeable tapes and compatibility between apparatuses.

Therefore, although only one apparatus is described by Furuya and Zinsmeyer, it is known in the art that a multitude of identical apparatuses exist that execute the same functions as previously described.

Regarding claim 16, Furuya and Parulski do not disclose expressly wherein said first tape cartridge and said second tape cartridge are an identical tape cartridge.

Zinsmeyer discloses a plurality of tape cartridges mounted to a turret which rotate and exchange position with a cartridge currently in use to correctly print the desired image or character string (see column 17 lines 36-60, reference shows that the

cartridges are of an identical type varying only by color or the like which makes up the specification of the cartridge used to accurately print the desired image or character string therefore the reference is analogous to the claimed element).

Regarding claim 18, Furuya further discloses wherein said to-be-detected image is an image of a pattern formed by patterning said desired configuration information in a predetermined format (see paragraph [0047] and Drawing 1).

Regarding claim 19, Furuya further discloses wherein said pattern represents a code formed by encoding said desired configuration information (see paragraph [0034], [0035] lines 12-15, [0043] lines 4-10, and [0047], and Drawing 1).

Regarding claim 21, Furuya further discloses wherein said pattern image is a unicolor pattern image that represents said code in a single color (see paragraph [0034] and Drawing 1).

Regarding claim 22, Furuya further discloses including character string input means for inputting a character string having at least one character arranged therein (see paragraph [0035] lines 1-6), wherein said desired configuration information represented by said to-be-detected information includes information concerning printing of the input character string (see paragraph [0035], and wherein said image printing means prints said print images based on the input character string according to said desired configuration information (see paragraph [0035], reference shows after character string has been input the tape cartridge undergoes detection of specification information that will ultimately decide the manner in which the character string will be printed).

Regarding claim 23, Zinsmeyer further discloses wherein said image is a second to-be-detected image which is an image identical to said to-be-detected image (see column 17 line 36-column 18 line 16, reference shows that each tape cassette has an identical barcode that identifies the ribbon type, color, and the like which is read by a barcode reader to select the correct ribbon for printing which is analogous to the claimed element as both hold specific configuration information relating to the tape cassette).

Regarding claim 24, Furuya discloses a label producing method that allows a user to print a label containing specification information relating to the attributes of a tape cassette and affix the label to the cassette in the form of a barcode or the like. Furuya also disclose the tape writing apparatus detects the specification information of the tape cassette when the cassette is placed into the apparatus, the tape writing apparatus capable of detecting a plurality of different cassettes (see paragraphs [0009], [0031]-[0038], [0043]-[0048], and Drawings 1 and 2).

Furuya and Parulski do not disclose expressly a label-producing method further comprising the steps of: labeling a second detection label to a third tape cartridge accommodating a third tape, said second detection label being a print image label produced by cutting off a portion including said second to-be-detected image which is printed on said second tape by said second tape printing apparatus, from said second tape, mounting said third tape cartridge in a third tape printing apparatus including said predetermined detection means, detecting said second to-be-detected image which is printed on said second detection label labeled on said third tape cartridge, by using said

predetermined detection means of said third tape printing apparatus, printing a second print image which is different from said second to-be-detected image, on said third tape dispensed from said third tape cartridge, based on said desired configuration information represented by said second to-be-detected image, and producing a second print image label by cutting off a portion including said second print image from said third tape.

Zinsmeyer discloses a method of reading a plurality of different tape cassettes all with barcodes affixed to or imprinted on identifying a ribbon type, color, or the like to correctly print an image or character string (see column 17 line 36-column 18 line 16).

Zinsmeyer does not disclose expressly a label-producing method further comprising the steps of: labeling a second detection label to a third tape cartridge accommodating a third tape, said second detection label being a print image label produced by cutting off a portion including said second to-be-detected image which is printed on said second tape by said second tape printing apparatus, from said second tape, mounting said third tape cartridge in a third tape printing apparatus including said predetermined detection means, detecting said second to-be-detected image which is printed on said second detection label labeled on said third tape cartridge, by using said predetermined detection means of said third tape printing apparatus, printing a second print image which is different from said second to-be-detected image, on said third tape dispensed from said third tape cartridge, based on said desired configuration information represented by said second to-be-detected image, and producing a second

print image label by cutting off a portion including said second print image from said third tape.

However, at the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Zinsmeyer with Furuya, guided by the teaching of Parulski, to allow for a plurality of label producing apparatuses and a plurality of tape cartridges that contain different detection labels that refer to the specific configuration information for each tape. Having a plurality of tape cartridges and apparatuses allows for greater compatibility by using parts that are interchangeable, which is well known in the art, and the printing of more complex images or character strings can be carried out by replacing the tape cartridges, each with a unique configuration, to aid in the desired output.

Regarding claim 25, Furuya further discloses including character string input means for inputting a character string having at least one character arranged therein (see paragraph [0035] lines 1-6), wherein said desired configuration information represented by said to-be-detected information includes information concerning printing of the input character string (see paragraph [0035]), and wherein said image printing means prints said print images based on the input character string according to said desired configuration information (see paragraph [0035], reference shows after character string has been input the tape cartridge undergoes detection of specification information that will ultimately decide the manner in which the character string will be printed).

Regarding claim 26, Parulski discloses removing the memory module from one playback device and inserting the memory module into another playback device (see abstract, column 6 lines 45-58, and column 11 lines 23-33).

Furuya, Parulski, and Zinsmeyer do not disclose expressly wherein said second tape printing apparatus and said third tape printing apparatus are an identical printing apparatus.

However, at the time of the invention, it would have been obvious to a person of ordinary skill in the art that there would exist a plurality of identical tape printing apparatuses to provide interchangeable tapes and compatibility between apparatuses.

Therefore, although only one apparatus is described by Furuya and Zinsmeyer, it is known in the art that a multitude of identical apparatuses exist that execute the same functions as previously described.

7. Claims 41-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zinsmeyer (US 5383733) in view of Parulski (US 5241659) and Mochinaga (JP 2000006501).

Regarding claim 41, Zinsmeyer discloses a tape printing method comprising the steps of mounting a tape cartridge (see column 6 line 65-column 7 line 37 and column 17 line 36-column 18 line 16) and detecting a to-be-detected image that said tape cartridge bears (see column 17 line 36-column 18 line 16).

Zinsmeyer does not disclose expressly character string information which is other than information related to physical properties of the first tape cartridge and which is of

designation of at least one of a typeface, a decoration, and a color and printing a fixed-form character string image based character string information represented by said to-be-detected image.

Parulski discloses character string information which is other than information related to physical properties and which is of designation of at least one of a typeface, a decoration, and a color, for use in printing (see abstract, column 3 lines 13-33 and 42-58, column 6 lines 22-32 and 45-58, column 8 lines 6-25 and 34-46, and column 11 lines 15-33, reference shows that due to the inability to record extra information on a write-once optical disc, a removable memory is used to store image parameter data, analogous to desired configuration information, and the memory module can be inserted into any playback device and control the operation of the images being displayed and/or printed).

Mochinaga discloses printing a fixed-form character string image based character string information represented by said to-be-detected image (see paragraphs [0024]-[0025], [0038]-[0040], and [0045] and abstract, reference teaches a character string information part of a tape cassette indicating properties of the tape and an additional character string that is to be printed out that is stored in memory).

Zinsmeyer, Parulski, & Mochinaga are combinable because they are from the same field of endeavor, storing customized image information.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine storing of desired input information, such as image parameter information, as described by Parulski, and which is well known and used in the art, and



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the character string storage and processing of Mochinaga with the system of Zinsmeyer.

The suggestion/motivation for doing so would have been to provide a means to transport customized information capable of controlling the operation of any device of the same type while only having one module to carry both the customized information and the main data information. Parulski suggests that both the main data information and the customized information would be carried together if the customized information could be appended to the main data information located on the optical disc (see column 8 lines 15-25). Also, to provide a system that would allow a plurality of tape cassettes to be stored and ready for deployment that contain both different colors and types as well as different preset character strings for faster printing and less required user intervention.

Therefore, it would have been obvious to combine Mochinaga and Parulski with Zinsmeyer to obtain the invention as specified in claim 41.

Regarding claim 42, Zinsmeyer further discloses a tape printing method further including the step of taking up a tape (see column 18 lines 3-7).

8. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Furuya, Parulski, and Zinsmeyer as applied to claim 19 above, and further in view of Bahrabadi (US 5533818).

Furuya, Parulski, and Zinsmeyer do not disclose expressly wherein said code is a binary code.

Bahrabadi discloses wherein said code is a binary code.

Furuya, Parulski, Zinsmeyer, & Bahrabadi are combinable because they are from the same field of endeavor, printing using specific configuration information.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the binary code of Bahrabadi with the system of Furuya, Parulski, and Zinsmeyer.

The suggestion/motivation for doing so would have been to provide an increased number of possible configurations that can be stored on a particular cassette and by which only one binary switch would need to be changed to affect the print parameters.

Therefore, it would have been obvious to combine Bahrabadi with Furuya, Parulski, and Zinsmeyer to obtain the invention as specified in claim 20.

### ***Conclusion***

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

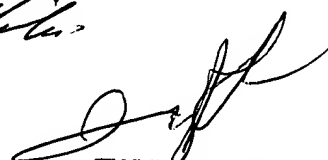
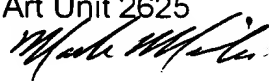
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark R. Milia whose telephone number is (571) 272-7408. The examiner can normally be reached M-F 8:00am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Twyler M. Lamb can be reached at (571) 272-7406. The fax number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MRM

Mark R. Milia  
Examiner  
Art Unit 2625



TWYLER LAMB  
SUPERVISORY PATENT EXAMINER